

On motion of Senator Houston,
The Senate refused to concur in
House amendments to

Substitute Senate joint resolution
No. 3:

"Proposing the submission of an
amendment to section 12, Article 8, of
the Constitution of the State of
Texas,"

On motion of Senator Davis,
Substitute Senate bill No. 247,
Was made the special order for Mon-
day morning after morning call.

THE PRESIDENT

Referred

House bill No. 589,
To Judiciary No. 1,
And.

House bill No. 601,
To Committee on Asylums.
On motion of Senator Frank,
Senate joint resolution No. 13,
"Amending section 4, Article 7, of
the Constitution of the State of Texas,"
was taken up and read second
time.

SENATOR GREGG

Moved to

Amend by striking out the words,
"by all the number elected to," line
9, and insert word "of."

Adopted.

The resolution was ordered en-
grossed.

On motion of Senator Burney,
Senate joint resolution No. 17,
"Joint resolution to amend section
4, Article 6, of the Constitution of the
State of Texas, providing for the reg-
istration of voters in cities of ten
thousand inhabitants or more," was
taken up, read second time and or-
dered engrossed.

On motion of Senator Simkins,
Senate bill No. 274,
"An act to amend Article No. 2625,
in title 48 of chapter 1, of the Revised
Civil Statutes of the State of Texas,"
was taken up read second time and
ordered engrossed.

On motion of Senator Armistead,
Senate bill No. 282,
"An act to amend Articles 67, 68, 68a,
72, 75, 79, and 80, chapter 1, title 8, of
the Revised Civil Statutes, relating to
asylums."

SENATOR ARMISTEAD

Offered a substitute for the bill the
caption of which is as follows:

"An act to amend an act to amend
Articles 66, 67, 68, 70, 71, 72, 73, 74, 80 and
97, of an act entitled 'an act to adopt

and establish the Revised Civil Stat-
utes of the State of Texas, passed
March 17, 1879, and to amend Articles
75 and 79 of the Revised Civil Statutes
of the State of Texas, as amended on
April 18, 1879, and to add Article 68a
relating to asylums.'"

On motion of Senator Armistead,
The substitute was adopted and or-
dered engrossed.

THE PRESIDENT

Appointed Senators Burney, Allen and
Garrison as a conference committee on
Senate bill No. 71, (known as the wolf
scalp bill).

On motion of Senator Lane,
The Senate adjourned till 10 o'clock
Monday morning.

SIXTY SIXTH DAY.

SENATE CHAMBER, }
AUSTIN, March 28, 1887. }

The Senate met pursuant to adjourn-
ment.

Lieutenant Governor Wheeler in the
chair.

Roll called.

Quorum present.

Prayer by the Chaplain.

On motion of Senator Armistead,
The reading of the Journal of yes-
terday was dispensed with.

On motion of Senator Woods,
Senator Allen was excused for two
days on account of important busi-
ness.

On motion of Senator Douglass, of
Greyson,

Senator Upshaw was excused for four
days on account of sickness.

BILLS AND RESOLUTIONS.

BY SENATOR ABERCROMBIE:

By request:

A bill to be entitled:

"An act to amend section 24, of an
act incorporating the city of Houston,
Harris county, approved April 21,
1879."

Referred to Judiciary Committee
No. 1.

REPORTS OF STANDING COM- MITTEES.

BY SENATOR CAMP:

COMMITTEE ROOM, }
AUSTIN, March 28, 1887. }

Hon. T. B. Wheeler, President of the Senate:

Sir—Your Committee on "Rules," to

whom was referred "a resolution amending rule 4 of the rules of the Senate," have had the same under consideration, and instructing to report it back to the Senate with the recommendation that it do not pass. The resolution provides substantially as follows:

Five Senators shall compel the attendance of Senators absent without leave. No Senator shall be excused pending a call of the Senate, except by two-third vote of the Senators present. Until the Senate is full or the call is suspended, the pending business shall go to the table and the regular order proceeded with. No Senator shall be permitted to leave the chamber without permission of the President until after the subject matter upon which the call was ordered shall be disposed of, etc.

All of which is respectfully submitted.

CAMP, chairman.

BY SENATOR FRANK:

COMMITTEE ROOM, }
AUSTIN, March 26, 1887. }

Hon. T. B. Wheeler, President of the Senate.

Sir—Your Committee on Engrossed Bills have carefully examined and compared Senate joint resolution No. 13.

"Amending section 4, Article 7, of the Constitution of the State of Texas," and find the same correctly engrossed.

FRANK, chairman.

COMMITTEE ROOM, }
AUSTIN, March 26, 1887. }

Hon. T. B. Wheeler, President of the Senate:

Sir—Your Committee on Engrossed Bills, have carefully examined and compared Senate bill No. 272, being:

"An act to regulate the shipment of freights and to require railway companies to furnish sufficient cars to transport the same, and to provide penalties for failures so to do," and find the same correctly engrossed.

FRANK, chairman.

Senate bill No. 272.

"An act to regulate the shipment of freights and to require railway companies to furnish sufficient cars to transport the same; and to provide penalties for failures so to do," was taken up as special order and read the third time.

SENATOR ARMISTEAD

Called up his motion to reconsider the

vote by which the bill was ordered engrossed.

The motion to reconsider was lost.

SENATOR GREGG

Moved to

Amend by adding to section 3:

"Provided the recovery of the penalty prescribed in this section shall not bar or effect the right of any one to recover damages for not receiving and transporting freight within a reasonable time."

Adopted by the following vote:

YEAS—19.

Armistead	Jarvis,
Burney,	Knittle,
Camp,	McDonald,
Davis,	MacManus,
Douglass, of J,	Pope,
Field,	Simkins,
Frank,	Terrell,
Garrison,	Woods,
Gregg,	Woodward.
Harrison,	

NAYS.—3.

Bell	Houston.
Claiborne,	

ABSENT.—7.

Abercombie,	Glasscock.
Burges,	Lane,
Calhoun,	Stinson.
Douglass, of G,	

SENATOR FIELD

Moved to

Amend section 4 by striking out "forty-eight" and inserting "seventy-two" in lieu thereof.

SENATOR FIELD

Favored the amendment, and

SENATOR DOUGLASS OF JEFFERSON

Opposed it.

The amendment was lost by the following vote:

YEAS—10.

Camp,	Gregg,
Claiborne,	Harrison,
Douglass of G.	Lane.
Douglass of J.	Simkins,
Field,	Terrell,

NAYS—16.

Abercombie,	Davis,
Armistead,	Frank,
Bell,	Garrison,
Burney,	Houston,
Calhoun,	Jarvis,

Knittie, Pope,
McDonald, Woods,
MacManus, Woodward.

ABSENT—3.

Burges, Stinson,
Glasscock,

The bill was passed.
On motion of

SENATOR FRANK

Senate Joint Resolution No. 13.

"Amending section 4, Article 7 of the
Constitution of the State of Texas."
was taken up read third time and pas-
sed by the following vote:

YEAS—23.

Abercrombie,	Glasscock,
Armistead,	Gregg,
Bell,	Harrison,
Burney,	Jarvis,
Calhoun,	Knittie,
Camp,	McDonald,
Claiborne,	MacManus,
Davis,	Simkins,
Douglass of G,	Terrell,
Field,	Woods,
Frank,	Woodward,
Garrison,	

NAYS—1.

Lane.

ABSENT—5.

Burges,	Pope,
Douglass of J,	Stinson.
Houston,	

The following message was received
from the House:

HOUSE OF REPRESENTATIVES, }
AUSTIN, TEXAS, March 26, 1887. }

Hon. T. B. Wheeler, President of the Senate:

Sir—I am instructed by the House to
inform the Senate that the House
has passed

Senate bill No. 336.

"An act to reorganize the 29th, 31st,
32d, 33d, 35th, and 39th judicial dis-
tricts, and to create the 42d judicial
district of the State of Texas,
and to fix the times of holding
courts therein, and to provide for the
appointment and election of judges
and district attorneys in the 32d, and
and 42d judicial districts, and to repeal
all laws and parts of laws in conflict
herewith."

Senate bill No. 342.

"An act to prescribe the time for
holding court in the twenty-ninth ju-

dicial district," by two-third vote,
ayes, 71.

Also,

That the House concurs in Senate
amendments to House bill 257.

"An act to amend Article 378, chap-
ter 6, title 11, of the Penal Code of the
State of Texas, and to add Articles
378a, 478b, 378c, 378d, 378e and 378f to
said chapter and title, prohibiting the
unlawful selling of intoxicating liqu-
ors and defining and prohibiting
'blind tigers' and providing rules of
evidence and penalties therefor."

WILL LAMBERT,

Chief Clerk House Representatives.

Senate bill No. 247.

"An act to provide for the sale of a
portion of the said land set apart to
the public free schools, situated along
and in the region of the Pecos river,"
being second special order for to-day,
was read second time with committee
substitute.

On motion of Senator Burney,

The substitute for the bill was
adopted.

SENATOR CLAIBORNE

Offered the following amendment.

"In line 4, section 1, strike out 'one-
half,' and insert 'three-fourths,' and
strike out 'one-half' and insert 'one-
fourth,' wherever it occurs in the other
portions of the bill."

SENATOR CLAIBORNE

Favored the amendment, and

SENATORS BURNEY AND DAVIS

Opposed it.

SENATOR BURNEY

Offered the following substitute for
the amendment:

"Strike out 'one-half,' and insert the
word 'all.'"

The substitute for the amendment
was adopted and made a part of the
bill.

SENATOR BURNEY

Moved to

Amend by striking out "either," in
line 5, section 1, and insert in lieu
thereof the word "west."

Adopted.

SENATOR ARMISTEAD

Moved to

Amend section 3, by adding thereto
the following:

"Provided that the said Pecos Irrigation company shall provide at a distance of each mile along the length of said ditch suitable places for ingress and egress of cattle to the water in said ditch on the west side thereof."

Adopted.

SENATOR GREGG

Moved to indefinitely postpone the further consideration of the bill.

SENATORS CLAIBORNE, GLASSCOCK,
MACMANUS AND BURNEY

Opposed, and

SENATORS GREGG AND POPE

Favored the motion to postpone.

The motion to indefinitely postpone was adopted by the following vote:

YEAS—17.

Abercrombie,	Harrison,
Armistead,	Houston,
Camp,	Knittle,
Douglass of J.,	McDonald,
Douglass of G.,	Pope,
Field,	Terrell,
Frank,	Woods.
Garrison,	Woodward.
Gregg,	

NAYS—9.

Bell,	Jarvis,
Burney,	Lane,
Calhoun,	MacManus.
Davis,	Simkins,
Glasscock,	

ABSENT—3.

Burges, Stinson.
Claiborne,

The following message was received from the House:

HOUSE OF REPRESENTATIVES. }
AUSTIN, March 28, 1887. }

Hon. T. B. Wheeler, President of the Senate:

Sir—I am instructed by the House to inform the Senate that the House has adopted the report of the free conference committee on

Substitute Senate bill No. 219,

Known as the "Land bill," by a vote of 67 yeas to 20 noes.

WILL LAMBERT.

Chief Clerk House of Representatives.

The following message was received from the Governor:

To the Hon. T. B. Wheeler, President of the Senate:

Sir—Since signing House bill No. 113:

"An act to divide the western portion of Tom Green county into six new counties," it has been made known to me by the Commissioner of the General Land Office that the counties of Loving, Crane and Ward have not the constitutional area; that as constituted the county of Loving has only six hundred and fifteen square miles superficial area. The county of Crane contains only five hundred and seventy-five square miles of superficial area, and the county of Ward contains only six hundred and seventy-eight square miles of superficial area. This is a matter which demands immediate attention of your honorable body with a view of conformity to constitutional requirement.

The manner of correcting the error will readily suggest itself to you.

Respectfully,

L. S. ROSS,
Governor.

On motion of Senator Armistead

The message was referred to Committee on Counties and County Boundaries.

The following message was received from the House:

HOUSE OF REPRESENTATIVES. }
AUSTIN, TEXAS, March 28, 1887. }

Hon. T. B. Wheeler, President of the Senate:

Sir—I am instructed by the House of Representatives to inform the honorable Senate that the House has passed

Senate bill No. 91.

"An act to amend Article 849, chapter 1, title 10, of the Code of Criminal Procedure of the State of Texas," with amendment.

Also,

House bill No. 370.

"An act to create Article 198a, of chapter 2, title 8, of the Penal Code of the State of Texas, for the punishment of persons who divulge the secrets of of grand juries," with amendment.

Also,

That the House has adopted the report of the free conference committee on

Senate bill No. 281.

"An act to create a commission of arbitration and award and define the powers and duties thereof, and to make an appropriation to pay the salaries of the judges thereof."

Also the House has adopted the report of the free conference committee on

Senate bill No. 5.

"An act to amend the title 1653, of the Revised Civil Statutes."

WILL LAMBERT,
Chief Clerk House of Representatives

SENATOR FRANK

Sent up the following privileged report:

COMMITTEE ROOM, }
AUSTIN, March 28, 1887. }

Hon. T. B. Wheeler, President of the Senate:

Sir—Your Committee on Engrossed Bills have carefully examined and compared Senate joint resolution No. 26, "amending Article No. 5, of the Constitution of the State of Texas," and find the same correctly engrossed.

FRANK, chairman.

THE PRESIDENT

Referred House bill No. 370 to Judiciary Committee No. 1.

THE PRESIDENT

Gave notice of signing the following Senate bills:

Senate bill No. 77.

"An act to provide for the sale of such appropriated public lands situated in the organized counties of the State of Texas, as contain not more than 640 acres."

Senate bill No. 259.

"An act to amend an act passed by the Nineteenth Legislature, entitled 'an act to amend section 9, of an act to redistrict the State into judicial districts,' etc."

Senate bill No. 306.

"An act to amend an act to redistrict the State into judicial districts, and to provide for the election of judges and district attorneys, etc."

SENATOR M'DONALD

Sent at the following free conference committee report on substitute Senate bill No 219.

COMMITTEE ROOM, }
AUSTIN, March 28, 1887. }

Hon. T. B. Wheeler, President of the Senate: and Hon. Geo. C. Pendleton, Speaker of the House of Representatives:

Sir—Your committee of free conference appointed to consider the differences between the two houses on

Substitute Senate bill No. 29, being "An act to provide for the sales lease of all the public lands and of all lands heretofore or hereafter surveyed and set apart for the benefit of the common schools, the university, and the several asylums, and to prevent the free use or unlawful enclosure of such lands," have considered the same and report thereon, as follows:

We recommend that the 1st, 2nd and 3rd House amendments be acceded to and concurred in.

We recommend that the 4th House amendment be receded from and non-concurred in.

We recommend that the 5th, 6th and 7th House amendments be receded from and nonconcurred in, and that section seven (7,) of the bill be so amended as to hereafter read as follows.

Section 7. "All lands belonging to the public free schools, university and the several asylum funds shall be sold at not less than two dollars per acre.

"All sections of lands having permanent water on or bordering thereon, shall be sold at not less than three dollars per acre, and not less than one hundred and sixty acres shall be sold, except in cases where a fractional part of a section, less than one hundred and sixty acres, is unsold, in which case the entire fractional part of such survey shall be sold; provided, that no watered portion of any section shall be sold unless there is permanent water on or bordering on the part of said section remaining unsold, and all timber land shall be sold at not less than five dollars per acre; by timber lands, as here used, is meant lands valuable, chiefly, for the timber thereon."

We recommend that the eighth House amendment be acceded to and concurred in.

We recommend that the ninth House amendment be receded from and non-concurred in.

We recommend that the following be inserted just after the words "may elect," in the tenth House amendment, to wit: "Provided further, that no such sale shall be permitted where such lessee shall have previously placed improvements of the value of one hundred dollars upon such section of land so sought to be purchased."

And we further recommend that the words "within an enclosure of," in the latter part of the tenth House amendment, be stricken out, and that the

word "on" be inserted in lieu thereof.

And we further recommend that the words "indictment and" where they occur in the latter part of the tenth House amendment, be stricken out.

And we further recommend that all after the word "punished," in the latter part of the the tenth House amendment, be stricken out and the following inserted in lieu thereof: "By fine of not less than one dollar for each head of stock he may so turn loose, and each thirty days' violation of the provisions of this section shall constitute a separate offense."

And we further recommend that so amended the tenth House amendment be acceded to and concurred in.

We recommend that the eleventh House amendment be receded from and nonconcurred in.

We recommend that after the word "this," in the twelfth House amendment, the following words be added: "Or any former;" and so amended we recommend that the twelfth House amendment be acceded to and concurred in.

We recommend that the thirteenth House amendment be receded from and non-concurred in.

We recommend that the amendment last adopted by the House and marked by us fourteenth be receded from and non-concurred in.

We recommend that the word "common," where it occurs before the word "school," be stricken out, and that the words "public free" be inserted in lieu thereof, wherever the same occurs in the caption and in the bill.

We recommend that section 9, (nine) of the bill, be amended by inserting after the word "direction," in line 2, the following: "And he shall prescribe suitable regulation whereby all purchasers shall be required to reside upon as a home, the land purchased by them for three consecutive years next succeeding the date of their purchase. Such regulations shall require the purchaser to reside upon the land for the three consecutive years herein mentioned and to make proper proof of such residence and occupancy to the Commissioner of the General Office within one year next after the expiration of said three years, by his affidavit corroborated by the affidavits of three disinterested and credible citizens of the county to be certified to by some officer of the county, wherein the land is situated, authorized to administer oaths."

We recommend that section 11,

(eleven) of the bill be amended by adding after the word "death" the following: "And if any purchaser shall fail to reside upon and improve in good faith the land purchased by him he shall forfeit said land and all payments made thereon to the State, and such land shall be again for sale, as if no such sale and forfeiture had occurred, or if he shall fail to make the proof of occupancy within the time and in the manner prescribed by the regulations of the Commissioner of the General Land office as provided for in section 9 of this act, he shall in like manner forfeit the land and all payments thereon to the State."

All of which is respectfully submitted.

MCDONALD,
BELL,
TERRELL,
BURNEY,
Senate Committee.
MOORE of Travis,
BROWNING,
TATE,
JOHNSON,
PAYNE,
House Committee.

SENATOR HOUSTON

Sent up the following minority report:

COMMITTEE ROOM, }
AUSTIN, March 28, 1887. }

Hon. T. B. Wheeler, President of the Senate, and
Hon. Geo. C. Pendleton, Speaker of the House of Representatives:

Sirs—A minority of your committee of free conference to whom was referred.

Substitute Senate bill No. 219

"An act to provide for the sale and lease of all public lands and of all lands heretofore or hereafter surveyed and set apart for the benefit of the common schools, the university, and the several asylums, and to prevent the free use or unlawful enclosure of such lands; beg leave to dissent from the majority of the committee, and recommend that the same be not adopted.

HOUSTON.

SENATOR M'DONALD

Moved to adopt the majority report,

SENATORS HARRISON AND HOUSTON

Opposed
And

SENATORS BURNLEY AND BELL

Favored the adoption of the minority report.

The report was adopted by the following vote:

YEAS—21.

Abercrombie,	Garrison,
Armistead,	Glasscock.
Bell,	Jarvis,
Burney,	Knittle,
Calhoun,	McDonald,
Camp,	MacManus,
Claiborne,	Pope,
Davis,	Simkins,
Douglass of G,	Terrell,
Field,	Woods.
Frank,	

NAYS—3.

Harrison,	Lane,
Houston,	

ABSENT—5.

Burges,	Stinson.
Douglass of J,	Woodward.
Gregg,	

SENATOR LANE

Sent up the following:

I vote no; first, because I am opposed to the tenth amendment, which creates a herd law to operate only against persons who purchase school land within the bounds of a leasehold, and prevents such persons from turning loose on the open range more than one head of horses or cattle, or in lieu thereof only four head of sheep, goats or hogs to every ten acres of land owned by such purchaser, and in case they do so it makes them guilty of a penal offense, with heavy penalty.

This amendment discriminates against such persons in favor of lessees of school lands by allowing lessees to turn loose as many stock as they please, to eat the grass off of the purchaser's land, without any penalty. Undoubtedly the effect of this amendment will be to retard the settlement of the country and prevent sales of school lands; as it practically gives the exclusive use of individual and railroad lands, which are mixed with the school lands, to lessees and prevents their use by purchasers.

2. I am in favor of all the other amendments proposed, but am unalterably opposed to the bill as it exists even after the adoption of these amendments, and will give no vote which will help its passage.

LANE.

SENATOR HARRISON

Sent up the following:

I voted no on the adoption of the free conference report on Senate bill No. 219:

1. Because bill under said report permits the minerals to go with the land when sold. I do not think this should be done. The land is to be sold at two dollars per acre, and this valuation is based upon the surface value of the land as grazing or agricultural land and not as mineral land. It is the settled policy of this State to keep and maintain a liberal system of free education, and if such system can not be secured by the proper management and disposition of the land donated for that purpose, then it will have to be done by taxation. In view of this, and in view of the fact that that section of the State in which these lands lie possesses rich mineral resources, I believe it to be to the highest interest of both the tax payer and the school fund, that these minerals yet undeveloped should be reserved to the end, that the lands donated may support and maintain, as far as possible, the free schools of the State, and thereby relieve the tax payer as much as possible of taxation for such purpose.

2. Because the bill makes it a penal offence for any person to permit his stock running at large, to graze on lands which have been leased. This I consider creates a herd law, which is not the policy of the State. It gives a man with a simple lease hold interest, greater rights, and greater protection, than one who owns land absolutely in "fee simple." It is a discrimination which in my judgment can not be justified upon any ground of equity or political economy. When a man leases land if he does not wish stock running at large to graze on it, he should do as persons who own land have to do, that is, he should fence it. These with other potent reasons prompted me to vote no.

HARRISON.

On motion of Senator Armistead,

The Senate adjourned till 3 o'clock p. m.

AFTERNOON SESSION.

The Senate met pursuant to adjournment.

Senator Pope, president pro tem., in the chair.

Roll called.

Quorum present.

The president in the chair.

On motion of Senator Armistead.

House bill No. 157.

"An act to provide for the appointment of receivers and to define their powers and duties and to regulate proceedings under such appointment of receivers."

Was taken up out of its regular order, and read second time.

SENATOR GREGG

Moved to amend section 9, line 3, page 3, printed bill, by inserting after word "corporation" the following, "in the county where the principal office of said corporation may be located and against receivers of railroad companies."

SENATOR GREGG.

Explained the amendment, and it was adopted.

SENATOR TERRELL

Moved to

Strike out all of section 8, down to and including the word "granted" in line 8, and insert "when any property of any kind within the limits of this State has been placed by order of court in the hands of a receiver who has taken charge of such property such receiver may in his official capacity sue or be sued in any court of this State having jurisdiction of the cause of action without first having obtained leave of the court appointing such receiver to bring said suit."

SENATOR TERRELL

Explained the amendment and it was adopted.

SENATOR GREGG

Moved to

Amend section 14, lines 6 and 7 page 5, by striking out the words "before the appointment of the receiver."

SENATOR GREGG

Explained the amendment and it was adopted.

SENATOR GREGG

Moved to

Amend by adding section 19, as follows:

"Section 19. The near approach of the close of the session of the Legislature and the importance of passing some law regarding the receivership creates an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and it is so suspended."

Adopted.

SENATOR SIMKINS

Moved to

Amend section 14 by inserting after the word "increased," the words "or has extended such road or acquired any property in connection with said road."

SENATOR SIMKINS

Explained the amendment and it was adopted.

SENATOR ARMISTEAD

Moved to strike out section 15 and add in lieu thereof:

"Section 15. All judgments, claims or causes of action when determined, existing against any corporation at the time of the appointment of a receiver, shall be paid out of the earnings of such corporation while in the hands of the receiver, to the exclusion of mortgage liens; and the same shall be a lien on such earnings"

Adopted.

SENATOR GLASSCOCK

Moved to

Amend by striking out all of section 17.

SENATOR ARMISTEAD

Opposed the amendment.

SENATOR GLASSCOCK

Favored the amendment.

SENATOR POPE

Opposed the amendment.

It was lost.

SENATOR ABERCROMBIE

Moved to amend by adding section 18, as follows;

"Section 18. In all matters relating to the appointment of receivers and to their powers, duties and liabilities and to the powers of the court in relation thereto, the rules of equity shall govern whenever the same are not inconsistent with the provisions of this act and the general laws of the State."

Adopted.

SENATOR ABERCROMBIE

Moved to amend last section by striking out the figures "18" after the word "section," in line 1, and add in lieu thereof the figures "19."

Adopted.

The bill was passed to third reading.

SENATOR TERRELL

Moved to suspend the constitutional rule requiring bills to be read on three several days, and that the bill be placed on its third reading and final passage.

Adopted by the following vote:

YEAS—24.

Abercrombie,	Harrison,
Armistead,	Houston,
Bell,	Jarvis,
Burney,	Knittle,
Calhoun,	Lane,
Camp,	McDonald,
Claiborne,	MacManus,
Davis,	Pope,
Douglass, of G,	Simkins,
Field,	Terrell,
Garrison,	Woods,
Gregg,	Woodward.

NAYS—1.

Glasscock,

ABSENT—4.

Burges,	Frank,
Douglass of J,	Stinson.

The bill was read third time and passed.

By leave

SENATOR GREGG

Introduced "a bill to be entitled an act to repeal occupation taxes on drummers or commercial travelers."

Referred to Committee on Finance.

The following message was received from the House:

HOUSE OF REPRESENTATIVES, }
AUSTIN TEXAS, March 28, 1887. }

Hon. T. B. Wheeler, President of the Senate.

Sir—I am instructed by the House to inform the Senate that the House has passed the following bills:

House No. 606.

"An act for the relief of Annie Meyer, John J. Meyer, Julius C. Meyer, Eli Meyer and D. H. Meyer, heirs at law of J. J. Meyer, deceased."

House bill No. 607.

"An act to relinquish to W. T. Perry, of Cooke county, Texas, the rights and interest of the State of Texas to certain lands in said county."

WILL LAMBERT,
Chief Clerk House Representatives.

THE PRESIDENT

Referred House bill No. 606,

And

House bill No. 607

To Committee on Private Land Claims.

THE PRESIDENT

Gave notice of signing.

House bill No. 101.

"An act to amend sections 1 and 4 as amended by an act entitled 'an act to amend sections 1 and 4 of an act to regulate the sale of spiritous, vinous and malt liquors, or medicated bitters, to fix the rate of occupation taxes upon all persons, firms or associations of person engaged in the sale of spiritous, vinous or malt liquors or medicated bitters, to define the time and manner of collecting such tax, and to affix penalties for failure to pay the same, and to repeal all laws and parts of laws in conflict with the provisions of this act,' approved April 4, 1881."

House bill No. 21,

"An act to establish a house of correction and reformatory, and to provide for its government and maintenance and make an appropriation therefor."

House bill No. 129,

"An act to amend Article 339, chapter 4, title 10, of the Penal Code."

House joint resolution No. 18,

"To amend section 11, of Article 7, of the Constitution of the State of Texas."

And

House bill No. 499,

"An act for the relief of J. B. Early and to validate bounty land certificate No. 831, and the survey made by virtue thereof, issued by Ben. F. Hill, Adjutant General of Texas, on the twenty-eighth day of May, 1851, for 240 acres of land to Henry W. Ward, the said J. B. Early being now the owner of said certificate.

SENATOR GLASSCOCK

Made a motion that the Senate insist upon its amendments to

House bill No. 128.

"An act to amend Article 339, chapter 4, title 10, of the Penal Code," and asked for a conference committee.

The motion was adopted

And

THE PRESIDENT

Appointed Senators Glasscock, Frank and Field on said committee.

The following message was received from the House:

HOUSE OF REPRESENTATIVES, }
AUSTIN, TEXAS, March 28, 1887. }

Hon. T. B. Wheeler, President of the Senate.

Sir—I am instructed by the House

to inform the Senate that the House has passed the following bills:

House bill No. 608.

"An act for the relief of S. S. Randall, William Walker, J. W. Gaines, W. W. Parr, John W. Stevens, L. O. Starkie, S. W. Bettigohn, O. B. Robinson, E. J. Hughes, J. S. Storkied, and the relief of such parties by whom and through whom they hold."

House bill No. 271.

"An act to provide for the sale of a certain class of bonds, and the reinvestment of their proceeds."

House bill No. 556.

"An act to amend chapter 18, section 18, of an act entitled 'an act to re-district the State into judicial districts and fix the times for holding court therein, and to provide for the election of judges and district attorneys in said districts, at the next general election, to be held on the first Tuesday after the first Monday in November, 1884.'"

WILL LAMBERT,

Chief Clerk. House of Representatives.

THE PRESIDENT

Referred House bill No. 271 to Committee on Finance,

House bill No. 556 to Committee on Judicial Districts,

And,

House bill No. 608 to Committee on Private Land Claims.

On motion of Senator Houston House bill No. 602,

"An act to create the Martin, Scurry, Crosby and Knox land district," was taken up and read second time and passed to third reading.

On motion of Senator Houston the constitutional rule was suspended and the bill was placed on its third reading and final passage by the following vote:

YEAS—24.

Abercrombie,	Harrison,
Armistead,	Houston,
Bell,	Jarvis,
Burney,	Knittle,
Calhoun,	Lane,
Camp,	McDonald,
Claiborne,	MacManus,
Davis,	Pope,
Douglass of G	Simkins,
Field,	Terrell,
Garrison,	Woods,
Glasscock,	Woodward.

NAYS—none.

ABSENT—5.

Burges,	Gregg,
Douglass of J,	Stinson,
Frank,	

The bill was read third time and passed by the following vote:

YEAS—24.

Abercrombie,	Gregg,
Armistead,	Harrison,
Bell,	Houston,
Burney,	Jarvis,
Calhoun,	Knittle,
Camp,	Lane,
Claiborne,	McDonald,
Davis,	MacManus,
Douglass of G,	Simkins,
Field,	Terrell,
Garrison,	Woods,
Glasscock,	Woodward.

NAYS—none.

ABSENT—5.

Burges,	Pope.
Douglass of J.	Stinson.
Frank,	

Substitute House bill No. 1.

"An act to amend section 36, 42, 45, 48, 56, 61, 62, 63, 66 and 71 of an act to establish and maintain a system of public free schools for the State of Texas, and to repeal so much of chapter 3, of title 78 of the Revised Civil Statutes of Texas as refer to public free schools outside of incorporated cities and towns, assuming or having assumed control of their public free schools, and all laws and parts of laws in conflict with this act, passed by the Eighteenth Legislature at its special session in 1884, and to further amend said act by adding thereto a new section, to be known as section 43a, providing for county superintendents of public instruction in certain cases, and defining their duties and fixing their compensation," was laid before the Senate and read second time.

On motion of Senator Glasscock,

It was agreed to consider the bill section by section.

SENATOR GLASSCOCK

Moved to

"Amend section 36 by adding thereto the following words, 'and has been a resident of the school district for six months prior to the election held for trustees.'"

Adopted.

Senator Glasscock moved to amend section 42 by adding thereto the following words:

"The county judge shall also have authority, on the recommendation of

the school trustees, to consolidate one school with another in the same district or adjoining district, and to transfer money from one school to another school in the same district or adjoining district."

Adopted.

Senator Glasscock moved to amend section 48, as follows:

On page 3, in line 5, after the word "has" insert the word "not." Strike out the word "no" and insert the word "A," and after the word "residence" insert the word "of six months."

Adopted.

SENATOR GREGG

Moved to

Amend section 48, by striking out all after the word "habits," page 3, line 8, down to and including word "named," in line 4, page 4, and insert in lieu thereof the following: "The county judge shall convene the board of examiners at stated periods for the purpose of examining applicants for certificates, provided that they at least convene once a month."

SENATOR GLASSCOCK

Opposed the amendment.

SENATOR GREGG

Favored it.

SENATOR CALHOUN

Favored the amendment.

Lost by the following vote:

YEAS—10.

Bell,	Field,
Calhoun.	Gregg,
Camp,	Harrison,
Davis,	McDonald,
Douglass of G,	Terrell.

NAYS—13.

Abercrombie,	Knittle,
Armistead,	Lane,
Burney,	MacManus,
Claiborne,	Simkins
Garrison,	Woods.
Glasscock,	Woodward.
Jarvis,	

ABSENT—6.

Burges,	Houston,
Douglass of J,	Pope,
Frank,	Stinson,

(Senator Claiborne in the chair.)

SENATOR WOODWARD

Moved to

"Amend section 56 by striking out the word 'teachers' and insert in lieu thereof the word 'persons.'"

SENATOR WOODWARD

Spoke in favor of the amendment.

SENATOR MACMANUS

Moved to substitute the amendment by striking out the word 'teachers' and insert the words "competent persons." Accepted.

SENATOR WOODS

Opposed the amendment.

SENATOR BURNEY

Offered the following substitute:

Insert after the word "judge" in line 2, section 56, the following: "Provided in the absence of teachers holding such certificates he may appoint any other competent persons who,"

Accepted and adopted.

(The President in the chair.)

On motion of Senator Garrison,

The vote by which the amendment of Senator Gregg was lost, was reconsidered.

SENATOR GREGG

Offered the following substitute for his amendment:

Amend by adding after the word "mentioned" line 2, Article 48, the following, 'recommend him to the board of examiners for examination, which said board of examiners shall be convened by the county judge at stated times not less than once a month provided that there are applicants, the purpose of examining applicants for certificates to teach,' and also by striking out all after word "mentioned" down to and including word "named" in line 4.

The substitute was adopted and made a part of the bill.

SENATOR GREGG

Moved to

Amend section 48 by inserting after word "oath," line 18, page 4, the following:

"Which report shall state who of said board were present at such examination, that the applicant was examined upon all the branches of study embraced in the grade of certificate

recommended, and that such applicant is competent to teach, and qualified to teach all of such branches."

Also strike out words "of such examination," lines 18 and 19, page 9.

Adopted.

SENATOR BURNEY

Moved to adjourn 'till 10 o'clock to-morrow morning.

Lost.

SENATOR CALHOUN

Moved to

Amend section No. 61, by inserting therein after the word "enacted" in line 7 the following:

"The citizens of the district or community must contribute of their labor and means an amount at least equal to the school fund so used and,"

Adopted by the following vote:

YEAS—12.

Bell,	Harrison,
Burney,	Lane,
Calhoun,	McDonald,
Claiborne,	Terrell,
Davis,	Woods.
Gregg,	Woodward.

NAYS—9.

Abercrombie.	Garrison,
Camp,	Glasscock,
Douglass of J,	Knittle,
Douglass of G.	MacManus,
Field,	

ABSENT—8.

Armistead,	Jarvis,
Burges,	Pope,
Frank,	Sinkins,
Houston,	Stinson

SENATOR GREGG

Moved to

Amend section 71, by inserting before the word "Angelina," in line 3, page 6, the word "Anderson."

Adopted.

SENATOR DOUGLASS OF JEFFERSON,

Moved to adjourn till 9:30 to-morrow morning,

And

SENATOR WOODS

Moved to adjourn till 10 o'clock to-morrow morning.

The motion to adjourn to the longest time off was put first.

Lost.

The motion to adjourn till 9:30 was also lost.

SENATOR WOODWARD

Moved to

"Amend section 71, page 7, by adding after the word 'Stephens,' in line 10, the word 'Starr.'"

Adopted.

SENATOR M'DONALD.

Moved to

Amend section 43a, by striking out all from the beginning of the section down to and including the word "election" in line 4 and inserting in lieu thereof, the following:

"The office of county superintendant of public instruction is hereby created and the county commissioners court of any county in this State may, when in their judgment it may be advisable, (provide for the election at each general election)" and also by striking out the words "upon the creation of such offices," in line 8 and 9, and inserting in lieu thereof the following, 'when they so provide for the election of a county superintendent.'"

SENATOR GREGG

Offered the following amendment,

Amend by striking out the words "provide for their election at each general election," and insert in lieu thereof the following: "Appoint such superintendent."

On motion of Senator Douglass of Grayson,

The Senate adjourned till 10 o'clock to-morrow morning,

SIXTY-SEVENTH DAY.

SENATE CHAMBER, }
AUSTIN, March 29, 1887. }

The Senate met pursuant to adjournment.

Lieutenant Governor Wheeler in the chair.

Roll called.

Quorum present.

Prayer by Chaplain, Dr. Smoot.

On motion of Senator McDonald,

The reading of the journal of yesterday dispensed was with.

BILLS AND RESOLUTIONS.

BY SENATOR MACMANUS:

A bill to be entitled,